

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JUNE 7, 2012

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 204

Introduced by Senator Liu

February 8, 2011

An act to amend Section 14528.56 of, and to add Sections 14528.57 and 14528.67 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Liu. Local alternative transportation improvement program.

Under existing law, if the Department of Transportation determines that real property or an interest therein, previously or hereafter acquired by the state for highway purposes, is no longer necessary for those purposes, the Department of Transportation is authorized to sell, contract to sell, sell by trust deed, or exchange the real property or interest therein in the manner and upon terms, standards, and conditions established by the California Transportation Commission.

Existing law authorizes the commission, in cooperation with the regional transportation planning agencies, to prescribe study areas for analysis and evaluation by those agencies and guidelines for the preparation of the regional transportation plans.

Existing law, in order to resolve local transportation problems resulting from the infeasibility of planned state transportation facilities on certain state highway routes, authorizes specified cities and counties to develop and file with the commission a local alternative transportation improvement program that addresses transportation problems and

opportunities in the county that was to be served by the planned facilities. Existing law creates the Los Angeles County Metropolitan Transportation Authority (LACMTA) and makes it responsible for, among other things, the establishment of overall goals and objectives to achieve optimal transport service for the movement of goods and people on a countywide basis.

This bill would, for purposes of preserving the funding capacity for LACMTA to make transportation investment choices within the State Highway Route 710 Study Area, as defined, authorize LACMTA in consultation with the department *and jointly with specified cities*, to develop and file with the commission a local alternative transportation improvement program that addresses transportation problems and opportunities ~~in the State Highway Route 710 Study Area~~ *specified cities*. The bill would require the commission to have the final authority regarding the content and approval of the local alternative transportation improvement program. The bill would require all proceeds from the sale of the specified excess properties, except as specified, to be allocated by the commission to fund the approved local alternative transportation improvement program, as specified. *The bill would require the commission and the department to declare as excess state properties, the surface estates of certain properties, acquired for the Route 710 surface freeway extension and require the department to expeditiously release those properties for sale, as specified. The bill would require that tenants of nonresidential properties be offered a right of first refusal to purchase at fair market value the property. The bill would provide that the sale proceeds may not be used on any activity to advance a subsurface alternative for the Route 710 North Gap Closure Project.*

Existing law imposes various requirements on these local alternative transportation improvement programs including that the department is required to maintain a specified account for each local alternative transportation improvement program into which it will deposit the funds derived from the sale of the respective excess properties. Existing law also requires a specified local alternative transportation improvement program to include various housing programs, including, but not limited to, relocation assistance, relocation advice and moving expenses, and replacement housing units.

This bill would make the local alternative transportation improvement program in the State Highway Route 710 Study Area subject to those account and deposit requirements and would authorize LACMTA, with

the concurrence of the commission *and the department*, to advance a project included in the local alternative transportation improvement program in the study area prior to the availability of sufficient funds, as specified. The bill would ~~also~~ make *certain of* those housing program provisions applicable to the local alternative transportation improvement program in the State Highway Route 710 Study Area.

The bill would enact other related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14528.56 of the Government Code is
2 amended to read:
3 14528.56. The following shall pertain to local alternative
4 transportation improvement programs developed and approved
5 pursuant to Sections 14528.5, 14528.55, and 14528.57:
6 (a) The department shall maintain a separate account in the
7 state's Special Deposit Fund for each approved local alternative
8 transportation improvement program into which it will deposit the
9 funds derived from the sale of the respective excess properties
10 pursuant to subdivision (c) of Section 14528.5, subdivision (c) of
11 Section 14528.55, and subdivision (c) of Section 14528.57. All
12 proceeds received by the department from the sale of those excess
13 properties that are available pursuant to those subdivisions for the
14 respective local alternative transportation improvement programs,
15 less reimbursement for costs incurred by the department for
16 administration of each account, shall be deposited in each
17 respective account, along with all interest earnings generated by
18 the funds in the respective account.
19 (b) Funds in each account shall be available for expenditure by
20 the local agencies for projects designated in the respective local
21 alternative transportation improvement program approved by the
22 commission pursuant to Section 14528.5, 14528.55, or 14528.57.
23 (c) This section applies only to State Highway Routes 84, 238,
24 and 710, and to the local alternative transportation programs
25 approved pursuant to Section 14528.5, 14528.55, or 14528.57.
26 (d) Section 14528.8 does not apply to projects undertaken
27 pursuant to Section 14528.5, 14528.55, or 14528.57.

(e) (1) A local jurisdiction may, with the concurrence of the appropriate transportation planning agency, the commission, and the department, advance a project included in the local alternative transportation improvement programs approved under Section 14528.5 or 14528.55 prior to the availability of sufficient funds from the sale of respective excess properties, through the use of its own funds. A project advanced in this manner shall be deliverable by the state, or by the local jurisdiction pursuant to agreement, when proposed by the local jurisdiction. Advancement of a project or projects shall not change the priority for funding and delivery of all projects within each respective approved local alternative transportation improvement program.

(2) The Los Angeles County Metropolitan Transportation Authority (LACMTA) may, with the concurrence of the commission *and the department*, advance a project included in the local alternative transportation improvement program approved under Section 14528.57 prior to availability of sufficient funds from the sale of the respective excess properties, through the use of its own funds or funds otherwise available to LACMTA, subject to such terms and conditions as are mutually agreeable to the commission, *the department, the cities with which the local alternative improvement plan was developed*, and LACMTA.

(f) A local agency may enter into an agreement with the appropriate transportation planning agency, the department, and the commission to use its own funds to develop, purchase right-of-way for, and construct a transportation project within its jurisdiction if the project is one that is included in the respective local alternative transportation improvement program and is funded by the individual account established in the Special Deposit Fund pursuant to subdivision (a), and meets all of the following requirements:

(1) Pursuant to the agreement, and from funds allocated by the commission for the project when scheduled in the local alternative transportation improvement program, the department shall reimburse the local agency for the actual cost of constructing the project, including the acquisition of right-of-way. Interest or other debt service costs incurred by local agencies to finance right-of-way acquisition or construction for the project are not reimbursable. Reimbursement made to a local agency pursuant to this subdivision

1 shall be made from the respective account established in the Special
2 Deposit Fund.

3 (2) The amount actually reimbursed to the local agency under
4 paragraph (1) shall be the amount expended by the local agency
5 for right-of-way and construction. If the expenditure of local funds
6 does not result in the completion of an operable segment of a
7 transportation project, reimbursement shall be limited to the actual
8 amount expended by the local agency for right-of-way or partial
9 construction, with no escalation factor.

10 (3) Pursuant to the agreement, and from funds allocated by the
11 commission for the project when it was scheduled in the local
12 respective alternative transportation improvement program, the
13 department shall reimburse the local agency for the actual cost of
14 developing the project with local funds pursuant to this subdivision.
15 Reimbursement of project development costs shall not exceed 20
16 percent of estimated construction costs. In no case shall this
17 reimbursement exceed any lesser amount mutually agreed to by
18 the department, commission, and local agency.

19 (4) Reimbursements made to local agencies pursuant to this
20 section for expenditures of local voter-approved sales and use tax
21 revenues shall be used for the same purposes for which the
22 imposition of the sales and use tax is authorized.

23 (5) The commission, in consultation with the department and
24 local transportation officials, shall develop and adopt guidelines
25 to implement this subdivision.

26 (g) At the time of its approval of the respective local alternative
27 transportation improvement program, the commission, in
28 consultation with the department and representatives from regional
29 and local agencies, shall also incorporate, into the state
30 transportation improvement program guidelines, additional
31 guidelines specific to the local ~~alternative~~ *alternative* transportation
32 improvement program. The additional guidelines shall include,
33 but need not be limited to, criteria for project applications,
34 estimation of costs, assessment of capability to complete the
35 project, allocation of funds to project phases, timely expenditure
36 of funds, management of changes to cost, scope, and schedules,
37 assessment of progress in implementing projects, and audit
38 requirements.

39 SEC. 2. Section 14528.57 is added to the Government Code,
40 to read:

1 14528.57. (a) For purposes of preserving the funding capacity
2 for the Los Angeles County Metropolitan Transportation Authority
3 (LACMTA) to make transportation investment choices within the
4 State Highway Route 710 Study Area, LACMTA in consultation
5 with the department, acting as the transportation planning agency
6 having transportation planning and programming jurisdiction over
7 the cities and portions of the County of Los Angeles in the State
8 Highway Route 710 Study Area, may, *jointly with the cities in*
9 *which any excess properties are located*, develop and file with the
10 commission a local alternative transportation improvement program
11 that addresses transportation problems and opportunities in ~~the~~
12 ~~State Highway Route 710 Study Area~~ *those cities*.

13 (b) The commission shall have the final authority regarding the
14 content and approval of the local alternative transportation
15 improvement program, *which approval shall include a finding by*
16 *the commission that the plan includes feasible funding, plans, and*
17 *capacity to meet the requirements of this section and Section*
18 *14528.67*. However, the program content and approval process
19 shall be consistent with that process as previously developed by
20 the commission in implementing a local alternative transportation
21 program pursuant to Sections 14528.5 and 14528.55.

22 (c) *The commission and the department shall declare as excess*
23 *state properties the surface estates of any properties acquired for*
24 *construction of the State Highway Route 710 extension in*
25 *Pasadena, South Pasadena, Alhambra, and the City of Los Angeles,*
26 *upon the elimination of a surface freeway construction alternative*
27 *from further consideration in the environmental review of the State*
28 *Highway Route 710 North Gap Closure Project, or completion of*
29 *the draft EIR and selection by the department of the locally*
30 *preferred alternative for that project, whichever occurs first. The*
31 *department shall then proceed expeditiously to release those excess*
32 *properties for sale in accordance with other provisions of law.*
33 *Tenants of nonresidential properties shall be offered a right of*
34 *first refusal to purchase at fair market value the property they*
35 *rent, lease, or otherwise legally occupy.*

36 (e)

37 (d) All proceeds from the sale of the excess properties, less any
38 reimbursements due to the federal government and all costs
39 incurred in the sale of those excess properties, shall be allocated
40 by the commission to fund the approved local alternative

1 transportation improvement program and shall not be subject to
2 Sections 188 and 188.8 of the Streets and Highways Code. ~~The~~
3 *Except as provided in Section 14528.67, the proceeds shall be used*
4 *only for state highway purposes or for projects in the local*
5 *alternative transportation improvement program that are also in*
6 ~~*the local voter-approved transportation sales tax measure.*~~

7 *(e) No proceeds from the sale of excess properties shall be spent*
8 *on any activity to advance a subsurface alternative as the State*
9 *Highway Route 710 North Gap Closure Project, including, but*
10 *not limited to, all planning, studying, staffing, or construction.*

11 ~~(d)~~
12 *(f) For purposes of this section, “excess properties” means those*
13 *properties previously acquired but no longer required to construct*
14 ~~*a new surface freeway project in the State Highway Route 710*~~
15 ~~*Study Area.*~~

16 ~~(e)~~
17 *(g) For purposes of this section, the “State Highway Route 710*
18 *Study Area” means the portion of the County of Los Angeles*
19 *identified through the scoping process for the State Highway Route*
20 *710 North Gap Closure Project environmental assessment.*

21 SEC. 3. Section 14528.67 is added to the Government Code,
22 to read:

23 14528.67. A local alternative transportation improvement
24 program, approved pursuant to Section 14528.57, shall include all
25 of the following:

26 (a) A program to provide relocation assistance for residents
27 eligible for relocation assistance pursuant to Chapter 16
28 (commencing with Section 7260) of Division 7 of Title 1, and
29 guidelines adopted pursuant to Section 50460 of the Health and
30 Safety Code.

31 (b) A program to provide relocation assistance for all lower
32 income households, regardless of their eligibility for assistance
33 pursuant to subdivision (a), who will be displaced from their
34 residences because of actions taken to finance or implement the
35 local alternative improvement transportation program, including
36 sale or removal of their residences. To be eligible for assistance
37 *pursuant to this subdivision*, lower income households shall have
38 occupied their residence ~~on~~ *within one year of* the date that the
39 local alternative transportation improvement program was approved
40 by the commission. The program shall comply with the

1 requirements, except eligibility requirements, of Chapter 16
2 (commencing with Section 7260) of Division 7 of Title 1, and with
3 guidelines adopted pursuant to Section 50460 of the Health and
4 Safety Code.

5 (c) A program to provide all persons or families who are not
6 otherwise eligible for assistance pursuant to subdivisions (a) and
7 (b) with relocation advice and moving expenses, as defined in
8 Section 7261 and subdivisions (a) and (b) of Section 7262.

9 (d) A program to provide replacement housing units for persons
10 and families of low or moderate income at an affordable housing
11 cost. At a minimum, the program shall provide that the total
12 number of new units for persons or families of low or moderate
13 income to be provided shall be equal to or greater than the number
14 of units occupied by persons or families of low or moderate income
15 displaced by the local alternative transportation improvement
16 program, and that the total number of new housing units to be
17 provided for lower income households shall be equal to or greater
18 than the number of units occupied by lower income households
19 displaced by the local alternative transportation improvement
20 program. The number of units so provided shall be determined at
21 least one year prior to the date the commission approves the local
22 alternative transportation improvement program. If it is not feasible
23 to replace the total number of units required on surplus public
24 property, other types of property shall be used in order to provide
25 the replacement units. Replacement of the units shall be completed
26 utilizing funds other than those derived from the sale of excess
27 properties and shall be completed within four years of the date the
28 persons or families are displaced or, if unoccupied, from the date
29 of demolition or removal. Unoccupied units shall be replaced in
30 the same ratio as units occupied by persons and families of low
31 and moderate income in the right-of-way. It shall be an objective
32 of the program that, where financially feasible, the number of new
33 housing units for persons and families of low or moderate income
34 shall be not less than 20 percent of all new housing units developed
35 on the aggregate surplus public property.

36 (e) For purposes of this section, the terms “affordable housing
37 cost,” “lower income households,” and “persons and families of
38 low or moderate income” shall be defined as provided in Division
39 31 (commencing with Section 50000) of the Health and Safety
40 Code.

1 (f) Unless specifically stated, this section shall in no way reduce
2 or limit any requirements for the provision of housing for persons
3 or families of low or moderate income as contained in any other
4 provision of law, *including, but not limited to, Article 8.5*
5 *(commencing with Section 54235) of Chapter 5 of Part 1 of*
6 *Division 2 of Title 5.*

7 ~~(g) No state highway account funds shall be expended for~~
8 ~~planning or implementing the housing provisions of the local~~
9 ~~alternative transportation improvement program that are required~~
10 ~~to be carried out pursuant to subdivisions (b) to (d), inclusive.~~

11 ~~(h) Neither the excess property nor the proceeds from the sale~~
12 ~~of the excess property shall be used for housing purposes. The~~
13 ~~excess property may be used for housing purposes after sale by~~
14 ~~the department.~~